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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

246-18<sup>th</sup> Realty LLC, *et al*,  
  
Debtors.

Chapter 11

Case No. 23-10796(PB)  
Jointly Administered

**DEBTORS' APPLICATION FOR AN ORDER ESTABLISHING  
DEADLINE AND PROCEDURES FOR FILING PROOFS OF CLAIM  
AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

246-18<sup>th</sup> Realty LLC, and 244/246 Holdco LLC debtors and debtors in possession (the "Debtors"), (the "Debtor"), by and through their undersigned proposed counsel, hereby files this motion (the "Application") for an order fixing a deadline and establishing procedures for filing proofs of claim and approving the form and manner of notice thereof, and in support thereof respectfully represents as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this case and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The statutory predicates for the relief requested herein are Bankruptcy Rules 2002 and 3003(c)(3) and Local Bankruptcy Rule 3003-1.

2. On May 19, 2023 (the "Petition Date"), the Debtors filed a petitions for relief under Chapter 11, of Title 11 of the United States Code (the "Bankruptcy Code") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

3. The Debtors continue to manage their assets and business affairs.

4. By this Application, the Debtors seek the entry of an order establishing a deadline (the “Bar Date”) and procedures by which creditors of the Debtors holding claims (as defined in Bankruptcy Code § 101(5)) arising before the Petition Date must file a proof of claim or forever be barred from asserting such claims against the Debtors. In addition, the Debtors seeks approval of a proposed form of notice of the Bar Date (the “Bar Date Notice”).

5. The Debtors seek authority to send the Bar Date Notice and the Proof of Claim Form to:

- (a) The United States Trustee;
- (b) Counsel to each official committee, if any;
- (c) All persons or entities that have requested notice of the proceedings in these Chapter 11 cases;
- (d) All persons or entities that have filed claims;
- (e) All creditors and other known holders of claims as of the date of the Bar Date Order, including all persons or entities listed in the Schedules as holding claims;
- (f) All parties to executory contracts and unexpired leases of the Debtors;
- (g) All parties to litigation with the Debtors;
- (h) The Internal Revenue Service for the district in which the case is pending, and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units; and
- (i) Such additional persons and entities as deemed appropriate by the Debtors.

6. To allow the Debtors’ creditors a reasonable opportunity to prepare and file proofs of claim, the Debtors requests that this Court fix **September 22, 2023** as the Bar Date, with notices to be mailed no later than **August 17, 2023**.

7. A September 22, 2023 (and November 24, 2023 for governmental units) Bar Date will satisfy the notice periods prescribed by Bankruptcy Rules 2002 and 3003(c)(3) and Local Bankruptcy Rule 3003-1.

8. Finally, the Debtors propose that any creditor that is required but fails to file a proof of claim in the appropriate form on or before the Bar Date will be barred from asserting such claim against the Debtors and their chapter 11 estates, from voting on any chapter 11 plan filed in this case, and from participating in any distribution in the Debtors' case on account of such claim.

### **CONCLUSION**

WHEREFORE, the Debtors respectfully requests that the Court enter an Order, substantially in the form attached hereto as Exhibit "A", granting the relief requested herein and such other and further relief as may be just and proper under the circumstances.

Dated: New York, New York  
July 29, 2023

**PLATZER, SWERGOLD,  
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